

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Raj Abhyanker	Examiner:	Olabode Akintola
Serial No.:	09/785,760	Group Art Unit:	3691
Filed:	February 16, 2001	Docket No.:	10005750-1
Title:	A Method for Aligning Financial and Logistical Flows with an Internet Exchange Portal		

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Appeal Brief is filed in response to the Final Office Action mailed October 18, 2007 and Notice of Appeal filed on January 17, 2007.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

I. REAL PARTY IN INTEREST

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

II. RELATED APPEALS AND INTERFERENCES

There are no known related appeals, judicial proceedings, or interferences known to appellant, the appellant's legal representative, or assignee that will directly affect or be directly affected by or have a bearing on the Appeal Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 4 – 26 and 28 – 31 are pending in the application and stand finally rejected. Claims 1 – 3 and 27 were canceled. The rejection of claims 4 – 26 and 28 – 31 is appealed.

IV. STATUS OF AMENDMENTS

No amendments were made after receipt of the Final Office Action. All amendments have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The following provides a concise explanation of the subject matter defined in each of the claims involved in the appeal, referring to the specification by page and line number and to the drawings by reference characters, as required by 37 C.F.R.

§ 41.37(c)(1)(v). Each element of the claims is identified by a corresponding reference to the specification and drawings where applicable. Note that the citation to passages in the specification and drawings for each claim element does not imply that the limitations from the specification and drawings should be read into the corresponding claim element or that these are the sole sources in the specification supporting the claim features.

Claim 4

A method for aligning transactional flows within an internet exchange portal, comprising (Figure 3 shows a flowchart of a method for automatically aligning logistical flows within an internet exchange portal.):

facilitating a first auction on the portal for a sale of a good between a buyer and a seller (Figure 3, #301: Buyers, sellers, and shippers register with an internet exchange portal to offer bids for goods and services: p. 9, lines 11-14. Figure 3, #302: A buyer and a seller agree to enter into a contract for a sale of a good: p. 9, lines 18-19.);

sending the buyer a shipping form to gather a set of shipping data about shipping the good after the buyer and the seller agree for the sale of the good (Figure 3, #306: Once the buyer and seller agree, the portal transmits a shipping form to the buyer and seller. The shipping form includes shipping weight, quantity, addresses, etc.: p. 10, lines 9-17);

collecting the set of shipping data for a contract entered into between the buyer and seller resulting from the sale of the good (Figure 3, #308: The portal populates the fields in the shipping form with information provided by the buyer and seller: p. 11, lines 1-2);

soliciting bids during a second auction on the portal for shipping services for shipping the good as required by the contract (Figure 3, #310, 312, 314: The portal displays the shipping form information on the internet exchange portal so shippers can

view this information and bid on providing shipping services for the goods: p. 11, lines 2-3; and p. 12, lines 1-4.);

receiving a set of shipping bids (Figure 3, #316: The portal receives bids from the shippers and evaluates the bids for the buyer and seller: p. 12, line 5.); and

selecting a bid from the set of bids according to a predetermined set of bid evaluation criteria (Figure 3, #316: The portal automatically selects one of the bids: p. 12, lines 5-10).

Claim 15

A method for transactional flows within an internet exchange portal, comprising (Figure 3 shows a flowchart of a method for automatically aligning logistical flows within an internet exchange portal.):

soliciting bids during a first auction on the internet exchange portal for selling goods (Figure 3, #301: Buyers, sellers, and shippers register with an internet exchange portal to offer bids for goods and services: p. 9, lines 11-14. Figure 3, #302: A buyer and a seller agree to enter into a contract for a sale of a good: p. 9, lines 18-19.);

soliciting bids during a second auction on the internet exchange portal for shipping the goods (Figure 3, #310, 312, 314: The portal displays the shipping form information on the internet exchange portal so shippers can view this information and bid on providing shipping services for the goods: p. 11, lines 2-3; and p. 12, lines 1-4.);

receiving a set of bids from shippers for shipping the goods (Figure 3, #316: The portal receives bids from the shippers and evaluates the bids for the buyer and seller: p. 12, line 5.);

selecting a winning shipper for shipping the goods (Figure 3, #316: The portal automatically selects one of the bids: p. 12, lines 5-10); and

sending a buyer of the goods a shipping form to gather information about the goods being shipped if a seller agrees to have the goods shipped with the shipper (Figure 3, #306: Once the buyer and seller agree, the portal transmits a shipping form to the buyer and seller. The shipping form includes shipping weight, quantity, addresses, etc.: p. 10, lines 9-17).

Claim 16

A computer-usable medium embodying computer program code for causing a computer to align transactional flows within an internet exchange portal, comprising (Figure 3 shows a flowchart of a method for automatically aligning logistical flows within an internet exchange portal.):

facilitating a first auction on the portal for a sale of goods between a buyer and a seller (Figure 3, #301: Buyers, sellers, and shippers register with an internet exchange portal to offer bids for goods and services: p. 9, lines 11-14. Figure 3, #302: A buyer and a seller agree to enter into a contract for a sale of a good: p. 9, lines 18-19.);

after the buyer and the seller agree for the sale of the goods, then collecting by the portal a set of shipping data for a contract entered into between the buyer and seller resulting from the sale of the goods (Figure 3, #306: Once the buyer and seller agree, the portal transmits a shipping form to the buyer and seller. The shipping form includes shipping weight, quantity, addresses, etc.: p. 10, lines 9-17. Figure 3, #308: The portal populates the fields in the shipping form with information provided by the buyer and seller: p. 11, lines 1-2.);

soliciting bids during a second auction on the portal for shipping services for shipping the goods as required by the contract (Figure 3, #310, 312, 314: The portal displays the shipping form information on the internet exchange portal so shippers can view this information and bid on providing shipping services for the goods: p. 11, lines 2-3; and p. 12, lines 1-4.);

receiving a set of shipping bids (Figure 3, #316: The portal receives bids from the shippers and evaluates the bids for the buyer and seller: p. 12, line 5.); and

selecting a bid from the set of bids according to a predetermined set of bid evaluation criteria (Figure 3, #316: The portal automatically selects one of the bids: p. 12, lines 5-10).

Claim 28

A method for transactional flows within an internet exchange portal, comprising:
soliciting bids during a first auction on an internet exchange portal for selling goods between buyers and sellers (Figure 3, #301: Buyers, sellers, and shippers register with an internet exchange portal to offer bids for goods and services: p. 9, lines 11-14. Figure 3, #302: A buyer and a seller agree to enter into a contract for a sale of a good: p. 9, lines 18-19.); and

if a buyer and a seller agree to a sale of a good, then soliciting bids during a subsequent second auction on the internet exchange portal for shipping services to ship the good to the buyer (Figure 3, #310, 312, 314: The portal displays the shipping form information on the internet exchange portal so shippers can view this information and bid on providing shipping services for the goods: p. 11, lines 2-3; and p. 12, lines 1-4. Figure 3, #316: The portal receives bids from the shippers and evaluates the bids for the buyer and seller: p. 12, line 5.).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 4 – 26 and 28 – 31 are rejected under 35 USC § 103(a) as being unpatentable over USPN 2001/0009005 (Godin) in view of “Canada: CN takes equity stake in FreightWise” (Freightwise) and USPN 5,826,244 (Huberman).

Claims 6 and 18 are rejected under 35 USC § 103(a) as being unpatentable over Godin in view of FreightWise, Huberman, and USPN 6,202,051 (Woolston).

VII. ARGUMENT

The rejection of claims 4 – 26 and 28 – 31 is improper, and Applicants respectfully request reversal of these rejections.

The claims do not stand or fall together. Instead, Applicants present separate arguments for various claims. Each of these arguments is separately argued below and presented with separate headings and sub-heading as required by 37 C.F.R. § 41.37(c)(1)(vii).

Overview of Claims and Primary References (Godin and Freightwise)

As a precursor to the arguments, Applicants provide an overview of the claims and the primary references (Godin and Freightwise). This overview will assist in determining the scope and content of the prior art as required in *Graham* (see *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 setting out an objective analysis for applying 103 rejections).

As discussed in Applicants' Background, internet exchange portals enable buyers and sellers to buy and sell goods over the internet. Once an agreement is reached, the seller ships the goods to the buyer. Common freight carriers (such as UPS, DSL, and Federal Express) are practical for low weight or low volume goods, but are too expensive and not practical for large volume shipping. Instead large volume or heavy weight shipments are performed by freight forwarders (such as trucking lines or train box cars).

Since sellers are typically responsible for shipping the goods, the seller must contact various large or heavy volume shipping brokers to ship the goods. This responsibility can pose significant economic inefficiencies and hardships on the sellers, especially since many auctions occur on a daily basis (see Background at p. 4, lines 15-23). Providing multiple auctions (i.e., one for selling the goods and one for shipping the goods) from different internet exchange portals further adds to the expense and inefficiencies imposed on the seller. Further, exchange portals may not get paid until the buyer receives the goods, and this determination is complicated when separate portals are involved in auctioning the goods for sale and auctioning the goods for shipping (see Background at p. 5, lines 1-14).

Godin “is directed to a method of auctioning products on-line where participants use computer terminals to access a computer site and participate” ([0006]). In short, Godin teaches a site for auctioning goods, not shipping services. Nowhere does Godin teach or even suggest auctioning for shipping services.

FreightWise teaches an online marketplace that allows shippers and carriers to negotiate and execute freight transactions. “Sellers on FreightWise can offer their capacity through standard rates and auctions” (see paragraph 9 in FreightWise). In short, FreightWise teaches a site where shippers and carriers can negotiate for freight transactions. Nowhere does FreightWise teach or even suggest auctioning for goods.

The claims are directed to aligning logical flow with a single internet exchange portal. This single internet exchange portal performs both the auction for selling goods between the buyer and seller and the auction for shipping the goods.

Claim Rejections: 35 USC § 103(a)

Claims 4 – 26 and 28 – 31 are rejected under 35 USC § 103(a) as being unpatentable over USPN 2001/0009005 (Godin) in view of “Canada: CN takes equity stake in FreightWise” (Freightwise) and USPN 5,826,244 (Huberman). These rejections are traversed.

All Claim Elements Not Taught/Suggested

Each of the independent claims recites one or more elements that are not taught or suggested in Godin in view of Freightwise and Huberman. These missing elements show that the differences between the combined teachings in the art and the recitations in the claims are great. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art. Some examples are provided below.

As one example, the independent claims recite facilitating a first auction on an internet exchange portal for the sale of goods between a buyer and seller. The claims then recite facilitating a second auction on the same internet exchange portal for shipping services for shipping the sold goods in the first auction. Thus, two different auctions occur on the same internet exchange portal. The first auction facilitates a sale of a good, and a second auction solicits bids for shipping the good. Unlike the teachings of Godin

and FreightWise, the auctions for selling and shipping the goods are on the same internet exchange portal in the independent claims.

Godin “is directed to a method of auctioning products on-line where participants use computer terminals to access a computer site and participate” ([0006]). In short, Godin teaches a site for auctioning goods, not shipping services. Nowhere does Godin teach or even suggest auctioning for shipping services.

By contrast, FreightWise teaches an online marketplace that allows shippers and carriers to negotiate and execute freight transactions. “Sellers on FreightWise can offer their capacity through standard rates and auctions” (see paragraph 9 in FreightWise). In short, FreightWise teaches a site where shippers and carriers can negotiate for freight transactions. Nowhere does FreightWise teach or even suggest auctioning for goods.

Even assuming *arguendo* that Godin and Freightwise are combinable (which they are not), this combination would teach two separate auctions on two separate internet exchange portals. The first auction (taught in Godin) would occur on a first internet exchange portal for the sale of the good. The second auction (taught in Freightwise) would occur on a second internet exchange portal for shipping the good. There is no teaching or even suggestion to combine both auctions into the same internet exchange portal as recited in the independent claims.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable over the art of record.

Response to Addition of Huberman

Huberman teaches an online auction for providing document services, such as printing, copying, and scanning. Huberman never teaches or even suggests that a same internet exchange portal facilitates two different auctions for both selling goods and shipping the sold goods. The Examiner cites Huberman at column 18, lines 51-67. Applicants respectfully disagree.

Huberman at column 18, lines 51-67 teaches that a buyer and seller at an auction can switch in subsequent auctions. Huberman provides an example wherein in a first

an auction a service provider contracts to provide services to a consumer. Then in a second auction the service provider is a buyer: “It [the service provider] can sell a document service to an end consumer in a first auction, and buy the service or a portion or portions thereof in a second auction” (see Huberman at 18: 59-61). In other words, the seller sells in the first auction and then buys in the second auction.

Notice that nowhere does Huberman teach or even suggest that a same internet exchange portal facilitates two different auctions for both selling goods and shipping the sold goods. Instead, Huberman teaches that buyer and seller at an auction can switch roles in subsequent auctions. This teaching in Huberman of buyer and seller switching roles is very different than the elements recited in the claims. Claim 4 recites two different auctions on the same internet exchange portal. The first auction facilitates a sale of a good, and a second auction solicits bids for shipping services for the good.

For at least these reasons, Applicant respectfully argues that a prima facie case of obviousness has not been established.

As another example, independent claim 4 recites collecting shipping data for a contract resulting from the sale of a good. The claim then recites soliciting bids during a second auction and then “shipping the goods as required by the contract.” In other words, shipping data is collected during the sale of the good in a first auction. Then this shipping data is used to ship the good in a second auction. Nowhere does the art of record teach or suggest such elements.

Figures 11 and 12 in Godin show the collection of a name and address of the buyer in a first auction for the sale of a good. Godin never suggests that this name and address can be used in a subsequent second auction for shipping the goods. Freightwise and Huberman are also deficient. In other words, the Examiner has not shown where in the art of record a teaching or suggestion exists for collecting shipping data in a first auction for the sale of a good and then using this shipping data in a second auction for auctioning shipping services.

The differences between the claims and the teachings in the art are great since the references fail to teach or suggest all of the claim elements. As such, the pending claims are not a predictable variation of the art to one of ordinary skill in the art.

For at least these reasons, the claims are allowable over the art of record.

Factors/Rationale Do Not Support Obviousness

In determining obviousness, neither the particular motivation to make the claimed invention nor the problem the inventor is solving controls. The proper analysis is whether the claimed invention would have been obvious to one of ordinary skill in the art after consideration of all the facts. Further, although the Supreme Court in KSR cautioned against an overly rigid application of the teaching-suggestion-motivation (TSM) rationale, the Supreme Court recognized that TSM was one of a number of valid rationales that could be used to determine obviousness.

Applicants discuss examples of rationale or factors below to show that there is no finding of obviousness.

As a first factor, the differences between the claims and the applied references are great. By way of example, the independent claims recite using a single internet exchange portal to conduct two different auctions: a first auction for selling a good and a second auction for shipping the good. As explained above, Godin, Freightwise, and Huberman teach separate auctions for performing these services. None of these references suggest that all auctions can be combined into the same internet exchange portal.

As a second factor, Applicants respectfully submit that no teaching or suggestion exists to make the combination because the references are directed to different inventions. Godin “is directed to a method of auctioning products on-line where participants use computer terminals to access a computer site and participate” ([0006]). In short, Godin teaches a site for auctioning goods, not shipping services. By contrast, Freightwise has nothing to do with goods, but teaches a website where shippers can negotiate for freight transactions. By further contrast, Huberman teaches an online auction for document services, such as printing, copying, and scanning.

As a third factor, no reasonable expectation of success has been established for modifying Godin with Freightwise and Huberman. Freightwise mentions auction in a single sentence: “Sellers on FreightWse can offer their capacity through standard rates and auctions.” Freightwise provides no explanation how standards rates would apply to an auction, or how the auction would be incorporated with a previous auction, or how shipping services would be auctioned for different types of goods from a previous

auction, etc. To complicate matters further, Huberman teaches that buyers and sellers switch roles in subsequent auctions. How could such switching be employed in a single internet exchange portal with one-time auctions between a buyer and seller, or how could such switching be employed using separate auctions (i.e., one for selling goods and one for shipping goods) with three different parties, etc. The teachings in these three references are so vast and contrary to each other that no reasonable expectation of success exists to incorporate the teachings into a single internet exchange portal.

As a fourth factor, the Examiner is performing an improper piecemeal construction that uses hindsight to arrive at the claim elements. In other words, the Examiner is picking and choosing unrelated and isolated sentences or teachings from Godin, Freightwise and Huberman with hindsight of Applicants' invention to allegedly obviate the pending claims. One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

As a fifth factor, the background portion of Applicant's specification discusses numerous problems associated with prior internet exchange portals, such as those taught in Godin and FreightWise. Specifically, these separate auctions are time consuming and laborious for buyers and sellers. Further, as noted in Applicant's background, such systems are not advantageous for the exchange portal either since it may not be timely paid for the auctions.

In order to remedy the shortcomings of the prior exchange portals (such as Godin and FreightWise), exemplary embodiments of Applicant's invention include aligning logistical flow with a single internet exchange portal. Applicant respectfully asks the Board of Appeals to read the Summary section of the specification for numerous advantages. By way of example, claim 4 recites two different auctions on the same internet exchange portal. The first auction facilitates a sale of a good, and a second auction solicits bids for shipping services for the good. Unlike the teachings of Godin and FreightWise, the auctions for selling and shipping the goods are on the same internet exchange portal in the independent claims.

For at least these reasons, Applicant respectfully argues that a prima facie case of obviousness has not been established.

Claim Rejections: 35 USC § 103(a)

Claims 6 and 18 are rejected under 35 USC § 103(a) as being unpatentable over Godin in view of FreightWise, Huberman, and USPN 6,202,051 (Woolston). These rejections are traversed.

As explained above, Godin, Freightwise, and Huberman do not teach or suggest all of the claim elements of in the independent claims. Woolston fails to cure these deficiencies. Thus, for at least the reasons provided in connection with the independent claims, dependent claims 6 and 18 are allowable.

CONCLUSION

In view of the above, Applicants respectfully request the Board of Appeals to reverse the Examiner's rejection of all pending claims.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Intellectual Property Administration
P.O. Box 272400
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Respectfully submitted,

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VIII. Claims Appendix

1. – 3. (canceled)

4. A method for aligning transactional flows within an internet exchange portal,

comprising:

facilitating a first auction on the portal for a sale of a good between a buyer and a seller;

sending the buyer a shipping form to gather a set of shipping data about shipping the good after the buyer and the seller agree for the sale of the good;

collecting the set of shipping data for a contract entered into between the buyer and seller resulting from the sale of the good;

soliciting bids during a second auction on the portal for shipping services for shipping the good as required by the contract;

receiving a set of shipping bids; and

selecting a bid from the set of bids according to a predetermined set of bid evaluation criteria.

5. The method of claim 4 wherein the facilitating step of includes the step of:

facilitating a business-to-business auction on the portal.

6. The method of claim 4:

wherein the collecting step includes the step of collecting a contract consummation event; and

further comprising the step of billing an auction services fee upon occurrence of the event.

7. The method of claim 4 wherein:

the collecting step includes the step of collecting a bidding-period; and

the receiving step further comprising the step of receiving a set of shipping bids within the bidding-period.

8. The method of claim 4:

wherein the shipping data is organized into a set of shipping fields;

wherein the collecting step includes the step of collecting additional sets of shipping data corresponding to additional contracts;

further comprising the step of grouping together those contracts having equivalent shipping data within at least one of the shipping fields; and

wherein the soliciting step includes the step of soliciting bids for providing shipping services for the group of contracts.

9. The method of claim 4 wherein the soliciting step of includes the step of:

soliciting bids for shipping services from a plurality of shippers and shipping brokers.

10. The method of claim 4 wherein the soliciting step of includes the step of:

displaying a predetermined set of shipping data on an internet exchange portal website accessible to shippers and shipping brokers.

11. The method of claim 4 wherein the facilitating step of includes the step of:

collecting the predetermined set of bid evaluation criteria from the seller.

12. The method of claim 4 wherein the selecting step of includes the steps of:

forwarding the bids onto the seller; and receiving a bid selection from the seller.

13. The method of claim 4 wherein the selecting step of includes the steps of:

selecting a bid with a lowest shipping price.

14. The method of claim 4 wherein the selecting step of includes the steps of:

selecting a default shipper if none of the bids conform to the predetermined set of bid evaluation criteria.

15. A method for transactional flows within an internet exchange portal, comprising:

soliciting bids during a first auction on the internet exchange portal for selling goods;

soliciting bids during a second auction on the internet exchange portal for shipping the goods;

receiving a set of bids from shippers for shipping the goods;

selecting a winning shipper for shipping the goods; and

sending a buyer of the goods a shipping form to gather information about the goods being shipped if a seller agrees to have the goods shipped with the shipper.

16. A computer-usable medium embodying computer program code for causing a computer to align transactional flows within an internet exchange portal, comprising:

facilitating a first auction on the portal for a sale of goods between a buyer and a seller;

after the buyer and the seller agree for the sale of the goods, then collecting by the portal a set of shipping data for a contract entered into between the buyer and seller resulting from the sale of the goods;

soliciting bids during a second auction on the portal for shipping services for shipping the goods as required by the contract;

receiving a set of shipping bids; and

selecting a bid from the set of bids according to a predetermined set of bid evaluation criteria.

17. The computer-usable medium of claim 16 wherein the facilitating step of includes the step of:

facilitating a business-to-business auction on the portal.

18. The computer-usable medium of claim 16:

wherein the collecting step includes the step of collecting a contract consummation event; and

further comprising the step of billing an auction services fee upon occurrence of the event.

19. The computer-usable medium of claim 16 wherein:

the collecting step includes the step of collecting a bidding-period; and
the receiving step further comprising the step of receiving a set of shipping bids within the bidding-period.

20. The computer-usable medium of claim 16:

wherein the shipping data is organized into a set of shipping fields;
wherein the collecting step includes the step of collecting additional sets of shipping data corresponding to additional contracts;
further comprising the step of grouping together those contracts having equivalent shipping data within at least one of the shipping fields; and
wherein the soliciting step includes the step of soliciting bids for providing shipping services for the group of contracts.

21. The computer-usable medium of claim 16 wherein the soliciting step of includes the step of:

soliciting bids for shipping services from a plurality of shippers and shipping brokers.

22. The computer-usable medium of claim 16 wherein the soliciting step of includes the step of:

displaying a predetermined set of shipping data on an internet exchange portal website accessible to shippers and shipping brokers.

23. The computer-usable medium of claim 16 wherein the facilitating step of includes the step of:

collecting the predetermined set of bid evaluation criteria from the seller.

24. The computer-usable medium of claim 16 wherein the selecting step of includes the steps of:

forwarding the bids onto the seller; and

receiving a bid selection from the seller.

25. The computer-usable medium of claim 16 wherein the selecting step of includes the steps of:

selecting a bid with a lowest shipping price.

26. The computer-usable medium of claim 16 wherein the selecting step of includes the steps of:

selecting a default shipper if none of the bids conform to the predetermined set of bid evaluation criteria.

27. (canceled)

28. A method for transactional flows within an internet exchange portal, comprising:

soliciting bids during a first auction on an internet exchange portal for selling goods between buyers and sellers; and

if a buyer and a seller agree to a sale of a good, then soliciting bids during a subsequent second auction on the internet exchange portal for shipping services to ship the good to the buyer.

29. The method of claim 28, wherein the internet exchange portal automatically and immediately begins to solicit bids for the second auction once the buyer and the seller agree to the sale of the good.

30. The method of claim 28 further comprising, allowing the internet exchange portal to evaluate the bids during the second auction and to automatically select a bid according to a set of predetermined bid evaluation criteria.

31. The method of claim 28 further comprising, allowing the internet exchange portal to automatically select a winning bid for shipping services based on (1) a lowest shipping price and (2) prior on-time delivery performance of a shipper.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.